

**REMARKS**

Claims 1-11, 23-37, 39, and 40 are pending and stand rejected. The Specification was objected to for allegedly failing to provide proper antecedent basis for the claimed subject matter. Claims 1 and 7-8 were rejected under 35 U.S.C. §112 as being indefinite. Claims 1, 3-6, 10, 30, and 39-40 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,280,527 to Gullman ("the Gullman patent"). Claims 2 and 31-37 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gullman in view of U.S. Patent No. 6,356,868 to Yuschik ("the Yuschik patent"). Claims 23-29 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gullman and Yuschik and further in view of U.S. Patent No. 6,161,005 to Pinzon ("the Pinzon patent"). Claims 1-6, 7-11, 23-25, 26-29, 30-37 and 39-40 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Published Application 2003/0018478 to Mays ("the Mays application"). The Applicant traverses these objections and rejections for the reasons stated below.

The Specification was objected to by the Office Action for allegedly failing to provide proper antecedent basis for the claimed subject matter. Specifically, the Office Action alleged that "a security code including a portion representing user interaction with the security code source unit" was not adequately provided in the Specification. The Applicants respectfully disagree with this assertion. For instance, the Specification notes that;

The code is formed by microprocessor 715 from a fixed code portion and a rolling code portion in the manner previously described with regard to transmitter 30. The fixed code portion comprises, however, a serial number associated with the transmitter 34 and a PIN portion identifying the four keys pressed and which of the three keys 711-713 initiated the transmission.

See Specification, page 13, lines 19-25.

Consequently, it believed adequate basis is provided in the Specification for the language cited by the Office Action.

Claims 1 and 7-8 were rejected under 35 U.S.C. §112 by the Office Action as being indefinite. Specifically, with regards to claim 1, the Office Action stated it was unclear as to how the security code was generated. Claim 1 has been amended to indicate the security code is generated by the voice analysis apparatus.

As for claim 7, the Office Action alleged that the speaker dependent and independent voice analysis arrangement lacked “structural support.” To the extent this rejection is understood, it is believed these limitations contain structural support in the Specification. To take one example, structural support for the speaker dependent and independent voice analysis arrangements is provided in the Specification with respect to the circuit shown in FIG. 10, the flowchart of FIG. 33, and the text accompanying these figures. In addition, speaker independent and speaker dependent voice processing approaches are commonly known to those skilled in the art.

As for claim 8, the Office Action alleged that the limitations “the barrier movement apparatus” and “Security signal” lacked antecedent basis and it was unclear whether the apparatus recited on line 22 of the claim was the same as the security control apparatus. The claim has been amended to provide the antecedent basis and clarity requested by the Office Action.

Turning now to the art based rejections, claims 1, 3-6, 10, 30, and 39-40 were rejected under 35 U.S.C. §102(b) as being anticipated by the Gullman patent. Claims 2 and 31-37 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gullman in view the Yuschik patent. Claims 23-29 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gullman and Yuschik and further in view of the Pinzon patent. Finally, claims 1-6, 7-11, 23-25, 26-29, 30-37 and 39-40 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Mays application.

Claim 7 recites a speaker dependent voice analysis arrangement that indicates security approval or non-approval based on commands being spoken by a user. A speaker independent voice analysis arrangement is activated when the speaker dependent voice analysis arrangement indicates non-approval. In other words, the speaker dependent voice analysis arrangement is first operated, and then, if the speaker dependent analysis fails, the speaker independent voice analysis arrangement is activated.

In contrast, Mays teaches a system in which “a speech activation unit 53 may be programmed to recognize a predetermined number of words in a speaker dependent *or* speaker independent mode.” Mays, paragraph 20. In other words, Mays does not teach or suggest the initial activation of the dependent voice analysis arrangement and then, when the speaker dependent voice analysis indicates non-approval, the independent voice analysis arrangement being activated, all as recited in claim 7.

The Yuschik reference teaches the use of speaker dependent (SD) and speaker independent (SI) voice analysis technologies. Yuschik, col. 2, lines 27-36. The alleged improvement of Yuschik is an approach for “combining the two ASR technologies so that SI ASR is used to identify a subset of subscribers (a cohort) and SD ASR is used to verify a particular member of the cohort.” Yuschik, col 2, lines 47-51. It can also be seen in FIG. 1 of Yuschik that the speaker-independent speech processor 108 and the speaker dependent processor 110 are operated simultaneously, in parallel. In other words, Yuschik does not teach or suggest the initial activation of the dependent voice analysis arrangement and then, when the speaker dependent voice analysis indicates non-approval, the independent voice analysis arrangement being activated, all as recited in claim 7.

As for the Gullman and Pinzon references, neither of these references involve the use of speaker dependent or speaker independent voice analysis technology. Consequently, since the above-mentioned elements are not taught or suggested in any of the cited references, it is believed that claim 7 is allowable.

Claim 26 recites a speaker dependent voice analysis apparatus that is responsive to a first predetermined spoken command from a predetermined speaker. This command controls the motor to operate a barrier. The claim further recites speaker independent voice analysis apparatus that is responsive to a second spoken command from any speaker for changing barrier movement. In other words, the speaker dependent apparatus is initially activated and then the speaker independent apparatus is activated. Consequently, it is believed claim 26 is allowable for the same reasons given above with respect to claim 7.

Independent claims 1, 23, 30, and 40 have been amended in a manner similar to claim 7 and are believed to be allowable for the same reasons as claim 7. Claims 2 and 25 have been cancelled. The remaining claims 3-6, 8-11, 24, 27-29, 31-37, and 39 depend directly or indirectly upon the independent claims. Since the independent claims are allowable, it is believed that these dependent claims are also allowable.

Application No. 09/915,080  
Reply to Office Action of April 19, 2006

Attorney Docket No. 69789

The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1135.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY



Kenneth H. Samples  
Registration No. 25,747

Date: July 19, 2006

120 S. LaSalle St., Suite 1600  
Chicago, Illinois 60603  
Telephone: (312) 577-7000  
Facsimile: (312) 577 7007